

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

United States of America,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action B-19-121
	§	(CDCS: 2018A62451)
Friends Construction Inc.,	§	
and Jose E. Hernandez, Individually,	§	
	§	
Defendants.	§	

Complaint

1. *Jurisdiction.* The district court has jurisdiction because the United States is a party. *See* U.S. CONST., art III, § 2, and 28 U.S.C. § 1345.
2. *Venue.* The defendant's usual place of business is in Cameron County, Texas, and may be served by serving its owner/president Jose E. Hernandez at 3029 Lazy Acres, Brownsville, Texas 78521. Jose E. Hernandez, individually, may be served at his business address of 3029 Lazy Acres, Brownsville, Texas 78521.
3. *The Debt.* The debt owed to the United States arose through a promissory note from U.S. Small Business Administration. The debt on the date of the Certificate of Indebtedness was:

A.	Current principal	\$	42,903.02
B.	Interest (capitalized and accrued)	\$	12,160.94
C.	Administrative fees, costs, penalties (Including \$400.00 Filing fee)	\$	20,268.44
D.	Balance due	\$	<u>75,332.40</u>

- E. Prejudgment interest accrues at 7.65% per annum being \$8.23 per day.
- F. The current principal in paragraph 3 A is after credits of \$39,630.56.
- 4. *Default.* The United States has demanded that the defendant pay the indebtedness, and the defendant has failed to pay it.
- 5. *Prayer.* The United States prays for judgment for:
 - A. The sums in paragraph 3, pre-judgment interest, administrative costs, and post-judgment interest; and,
 - B. Other relief the court deems proper.

Respectfully submitted,

CERSONSKY, ROSEN & GARCÍA, P.C.

By: /s/ M. H. Cersonsky

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Attorneys for Plaintiff



DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, DC 20227

ACTING ON BEHALF OF
U.S. SMALL BUSINESS ADMINISTRATION
CERTIFICATE OF INDEBTEDNESS

Friends Construction Inc.
3029 Lazy Acres
Brownsville, Texas 78521
EIN: 26-2789943

Jose Enrique Hernandez
3029 Lazy Acres
Brownsville, Texas 78521

RE: Case ID# 1500250800

I hereby certify, as part of my duties with the U.S. Department of the Treasury (Treasury), including referring matters to the U.S. Department of Justice (DOJ) for litigation, I am a custodian of records of certain files sent by the U.S. Small Business Administration (SBA) to Treasury for collection actions. As a custodian of records for Treasury, I have care and custody of the file of Friends Construction, Inc. and Jose Enrique Hernandez. (DEBTORS).

On 6/8/2010, the DEBTORS executed a Promissory Note and Loan Agreement for \$50,000.00, with interest accruing at a rate of 7.65%, except as otherwise provided within the Promissory Note with Compass Bank (LENDER). Pursuant to Section 7(a) of the Small Business Act as amended, the SBA guarantees 50.00% of this loan.

From June 2010 through October 2012, the LENDER disbursed a total of \$71,500.00 of which the DEBTORS made payments totaling \$39,630.56. The payments were applied, \$28,596.97 to the principal and \$11,033.59 to the interest. The DEBTORS became delinquent on the obligation on 10/25/2013 with a balance due of \$42,903.02. Due to the delinquency, the SBA had to pay the guaranteed 50%, in the amount of \$20,451.51 and became holder of the Note.

The SBA referred the claim to Treasury's Bureau of the Fiscal Service, Debt Management Services (DMS) to collect the delinquent debt on 9/9/2015. DMS issued a demand letter to the DEBTORS on 9/9/2015, to which the DEBTORS did not respond. Further, I certify that I am familiar with Treasury's record keeping practices, including the receipt of files from the SBA.

On August 29, 2018, DMS referred the claim to DOJ for litigation and collection in the amount due of \$74,932.40, with daily interest of \$8.23. As of August 29, 2018, the DEBTORS are indebted to the United States in the amount stated as follows:

Principal:	\$ 42,903.02
Interest (@7.00%):	\$ 12,160.94
Administrative Costs:	\$ 19,868.44
Total:	\$ 74,932.40





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The balances stated in the case listed above are current as of August 29, 2018, including any applicable interest, penalties, administrative fees, and DMS & DOJ fees (pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note).

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the SBA and information contained in Treasury's records.

X

A handwritten signature in cursive script, reading "Ashleigh N. Edmonds", is written over a horizontal line.

September 26, 2018

Signed by: Ashleigh N. Edmonds
Ashleigh Edmonds
Financial Program Specialist
U.S. Department of Treasury
Bureau of the Fiscal Service